


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	)	I hereby certify that this paper (along with
	)	any paper referred to as being attached or
Carl W. Hastings et al.	)	enclosed) is being transmitted via the
	)	Office electronic filing system in
Serial No. 10/781,141	)	accordance with § 1.6(a)(4).
	)	
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For: Performance-Enhancing	)	
Dietary Supplement	)	
	)	
Group Art Unit: 1617	)	
	)	Andrew M. Lawrence, Reg. No. 46,130
Examiner: Jennifer M. Kim	)	Attorney for Applicants
	)	
Confirmation No. 3364	)	

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the undersigned attorney's conversation with Examiner Tsang on December 16, 2009, in the above-referenced matter.

On May 15, 2008, an amendment and three attachments were forwarded to the U.S. Patent and Trademark Office. The papers were received on May 19, 2008 by the U.S. Patent and Trademark Office as shown by the attached postcard acknowledgement receipt. It appears the Patent Office inadvertently placed the attachments to the amendment in the application file of the parent case, U.S. Patent Application Serial No. 09/175,748.

Accordingly, resubmitted herewith for filing in this application are Attachments A through C of the amendment dated May 15, 2008, and a copy of the date stamped postcard evidencing the Patent Office's receipt thereof.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP



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